

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RED BULL NORTH AMERICA, INC. and  
RED BULL GMBH LIMITED LIABILITY COMPANY,

Plaintiffs,

-vs.-

SOHO EAST AVENUE INC., 289 ALEXANDER  
STREET INC., DAVIS COWDEN INC., 336 DUKES  
INC., RDCUSE INC., and RONALD A. DAVIS,

Defendants.

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**STIPULATION  
REGARDING ENTRY OF  
PRELIMINARY  
INJUNCTION**

Civil Action No.  
07-CV-6112T(P)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for plaintiffs RED BULL NORTH AMERICA, INC. and RED BULL GMBH LIMITED LIABILITY COMPANY and defendants SOHO EAST AVENUE INC., 289 ALEXANDER STREET INC., DAVIS COWDEN INC, 336 DUKES INC, RDCUSE INC. and RONALD A. DAVIS, that a PRELIMINARY INJUNCTION shall be entered by the Court in the agreed-upon form set forth below.

Dated: March 29, 2007

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Dated: March 27, 2007

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**ORDER**

Upon the Stipulation Regarding Entry of Preliminary Injunction agreed upon by the parties, IT IS HEREBY ORDERED:

1. That defendants Soho East Avenue Inc., 289 Alexander Street Inc., Davis Cowden Inc., 336 Dukes Inc., Rdcuse Inc., and Ronald A. Davis (“defendants”), their officers, directors, agents, employees, attorneys, successors, licensees, and assigns and all others in active concert or participation with any of them are enjoined and restrained from (i) selling or offering to sell, in response to orders for RED BULL<sup>®</sup>, a beverage of another manufacturer, without first giving the customer verbal notice that a beverage other than RED BULL<sup>®</sup> is being sold and giving the customer the opportunity to accept or reject the substitute product prior to fulfilling the customer’s order; (ii) directly or indirectly marketing, advertising or using in any way the RED BULL<sup>®</sup> mark or any colorable imitation thereof in connection with a non-RED BULL<sup>®</sup> drink; (iii) doing any other acts likely to infringe plaintiff Red Bull GmbH’s RED BULL<sup>®</sup> mark; or (iv) committing any other acts of unfair competition against plaintiffs Red Bull North America, Inc. and Red Bull GmbH Limited Liability Company (“plaintiffs”).

2. That defendants instruct their employees not to sell or offer to sell, in response to orders for RED BULL<sup>®</sup>, a beverage of another manufacturer, without first giving the customer verbal notice that a beverage other than RED BULL<sup>®</sup> is being sold and the opportunity to accept or reject the substitute product prior to fulfilling the customer’s order.

3. That defendants show this order to all employees.

4. That this preliminary injunction shall be effective immediately.

5. That defendants file with the Court and serve on plaintiffs’ counsel within fourteen (14) days after the date of this Order a report in writing and under oath, setting forth in

detail the manner in which defendants have complied with this Order.

IT IS FURTHER ORDERED that this Preliminary Injunction shall remain in full force and effect until further Order of this Court.

Dated: April 9, 2007

S/ Michael A. Telesca

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HON. MICHAEL A. TELESCA  
UNITED STATES DISTRICT JUDGE